



Public Document Pack  
**LICENSING OF ALCOHOL AND  
GAMBLING SUB-COMMITTEE  
AGENDA**

**THURSDAY 6 FEBRUARY 2025 AT 10.00 AM  
CONFERENCE ROOM 2 - THE FORUM**

Membership

Councillor Jonathan Gale (Chair)  
Councillor Carole Weston

Councillor Andrew Williams MBE

For further information, please contact Corporate and Democratic Support on 01442 228209 or email [member.support@dacorum.gov.uk](mailto:member.support@dacorum.gov.uk).

**AGENDA**

- 1 MINUTES** (Pages 2 - 4)  
To confirm the minutes of the previous meeting
- 2 APOLOGIES FOR ABSENCE**  
To receive any apologies for absence
- 3 DECLARATIONS OF INTEREST**  
To receive any declarations of interest
- 4 PROCEDURE OF THE HEARING** (Pages 5 - 6)
- 5 PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003** (Pages 7 - 49)

# Agenda Item 1

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## DACORUM BOROUGH COUNCIL

### LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE

8 JANUARY 2025

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Present –

#### MEMBERS:

Councillors: Gale (Chair), Weston and A Williams

#### OFFICERS:

Nargis Sultan	Legal Governance Manager
Sally Mcdonald	Licensing Manager
Kim Knight	Licensing Lead Officer
Trudi Angel	Democratic Support Officer

#### OTHER PERSONS PRESENT:

Mr Turan - Applicant (Item 5)  
Mr Edge - Applicants Representative (Item 5)  
Miss Boylan – Objecting to Application (Item 5)  
Ms Adams – Objecting to Application (Item 5)

The meeting began at 10.00 am

#### 1. MINUTES

The Chair opened the meeting and introductions were made.

The minutes of the previous meeting were agreed.

#### 2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

#### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 4. PREMISES LICENCE APPLICATION UNDER THE LICENSING ACT 2003

The Sub-Committee were required to consider an application to review a premises licence for the following premises:

Epicure  
75 High Street

Hemel Hempstead  
Hertfordshire  
HP1 3AF

Please refer to the video minutes for full discussion.

### Decision

A public consultation took place and 13 representations were received from residents living near the premises. These related to concerns about the proposed activities and opening hours likely having a detrimental impact on the area, thus causing a public nuisance and or anti-social behaviour.

The Sub-Committee had been informed that the Applicant attempted to mitigate the resident's concerns by proposing amendments to the existing application. The new proposals were put forward and all interested parties including, the objectors, were notified and no further representations were received following the mediation.

At the hearing, the Applicant's representative, Mr Edge, explained that the business had a robust operating schedule, policies and procedures in place to ensure that the licencing objectives were not compromised. They had spent large sums of money on high-quality extraction system to take away the noise and smell. Furthermore, they had been working with licensing expert(s) to advise them on best practices. Their staff would be adequately trained and there would be a strong management presence on the Premises. The Applicant is a responsible businessman with 30 years of experience in this business. The Premises hold 22-25 customers at any one time and will be managed by 3-4 members of staff (including management staff). Mr Turan explained that there is outside seating capacity for 8 persons.

Mr Edge said that the premises will always remain as a café/restaurant, as it is now save for the serving of alcohol, and not be converted to a vertical drinking establishment. Mr Turan has confirmed that intention by revising his application, so that his establishment is licensed to sell alcohol only between those hours, and he is content for a licence not to cover a vertical drinking establishment.

The Sub-Committee heard from an objector who had registered to speak. She explained that she experienced direct disturbance as a result of living in immediate proximity to the Premises namely persistent noise emanating from the Premises, which was having a detrimental impact on her life and the enjoyment of her home. The Objector was concerned that this problem would be further exacerbated should the license be granted. She further explained that she had lived on her property for 20 years. The premises was converted to a café by its previous occupier in 2020, and has been used as a café since 2020; before that, it was a shop.

The Sub-Committee had taken into account the representations made both written and orally in addition to all other relevant factors, guidance and policies.

The Committee considered the objections, and the helpful submissions of Miss Boylan, who lives above the premises. Miss Boylan has been disturbed by noise emanating from the premises which, currently operates as a café. Miss Boylan says the overall situation has improved since Mr Turan took over, but she is concerned about the potential conduct of business by any subsequent owners after any licence is granted to the premises. Miss Boylan requested that an acoustic expert report on the building before any licence is granted. The written objections, all of which were received before the Applicant made revised proposals, expressed concerns about noise, a potential increase in crime and antisocial behaviour, and the cumulative effect of a further establishment in the vicinity. In relation to noise, objectors

pointed out that the building was old and that double- glazing was not permitted. There were concerns about smoking in the outdoor seating area. It is fair to say that most of the written objections referred to and particularly objected to night-time licensing in the terms of the original application for a license to carry out licensed activities until 22.30.

In relation to music, the current position is that the Applicant is free to play recorded music indoors, within reasonable (“unamplified”) levels and that will not change irrespective of whether a licence is granted. It is recognised that music is not the only source of sound-disturbance and it is noted that the usual laws of nuisance and environmental health will apply irrespective of a licence.

It is Mr Turan’s intention only to use the premises as a café / restaurant and not convert it to a vertical drinking establishment. It is his intention only to serve alcohol between the hours of 11am and 6pm. Mr Turan has confirmed that intention by revising his application, so that his establishment would be licensed to sell alcohol only between those hours, and he is content for a licence not to cover a vertical drinking establishment.

It is noted that there are other establishments nearby which serve food and alcohol.

The Committee considers that, in the light of the revised application, such that licensed activities will only take place between 11am and 6pm, the potential for increased levels of crime /antisocial behaviour is insufficient to go against the licensing objectives.

As to noise, while the Committee has sympathy for Miss Boylan, it is not considered that the granting of a licence would make a sufficient difference to existing noise levels, compared to the current use of the premises as a café, as to go against the licensing objectives. In accordance with the revised application, the premises would remain as a café/restaurant, and not be converted to a vertical drinking establishment. The only difference from the current situation being the slightly longer opening hours and, that customers could order an alcoholic drink with their meal, as can customers at the other establishments nearby. The committee does not consider that Ms Boylan’s request for an acoustic expert’s investigation would be proportionate in the circumstances. As to smoking, Mr Turan says that he does not encourage smoking by his customers. There is only space outside for 8 persons and Mr Turan cannot control smoking outside his establishment. He is advised to maintain a clear no-smoking sign at his tables but it was not considered appropriate to make that a condition of the licence. It is not considered that there is evidence of a significant risk of increased smoking pollution to compromise the licensing objectives.

There were no objections raised by any of the Responsible Authorities. Accordingly, the Sub-Committee has resolved to grant the Premises License with the following voluntary conditions advanced by the Applicants:

1. Licensable activities may take place between 1100 and 1800 hours only
2. A maximum of one Temporary Event Notice (TEN) may be served per calendar month
3. The premises must remain as a café/restaurant, and not be converted to a vertical Drinking Establishment (VDE)

The Applicant is a responsible businessman, he had been trading for a number of years, and he had never had any problems with any of the Responsible Authorities. The Sub-Committee was comforted by the fact that there would be adequate staff training and a strong management presence on the premises.

The meeting ended at 11.26 am.

## LICENSING OF ALCOHOL AND GAMBLING SUB-COMMITTEE PROCEDURE

The procedure of the Sub-Committee will be as follows:

1. The Chair will open the meeting by:
  - (a) Introducing the Members of the Sub-Committee (at the same time indicating any change in membership), and the Officers present, to the parties and any other person in attendance, including any representative of the press;
  - (b) stating the nature of the matter to be considered, (including a reference to the name of the premises or place concerned) and
  - (c) explaining the procedure to be followed.
2. The Chair will ask those present to introduce themselves and:
  - (a) if any party, without prior notice, fails to attend or to be represented, the Sub-Committee will consider whether or not it is necessary in the public interest to adjourn the hearing to a specified date;
  - (b) if any party is unaccompanied, the Chair will clarify whether that party understood it was permissible to have a representative;
  - (c) the Chair will establish whether it is proposed anyone speak as a spokesperson;
  - (d) the Sub-Committee will consider:
    - (i) any properly made request by a party for permission for any other person, (not being a representative), to appear and
    - (ii) any request to provide late documentary or other information and will only take the same into account if the other parties consent.
3. The Chair will ask whether any Member has an interest to declare and whether any Member has visited the premises or place the subject of the application.
4. The Chair will establish whether all Members of the Sub-Committee have read the papers before them, and then announce the order of speakers.
5. The Chair will ask the Officers present to confirm whether there has been compliance with all relevant requirements and to summarise any relevant information, as necessary.
6. Members may ask any relevant question of any Officer.
7. The Chair will ask each person who is to speak at the meeting for an indication of how much time he or she reasonably estimates is required to make relevant points concisely, and without undue repetition, and will consider a maximum period of time to be applied equally in the case of all the parties.
8. The Sub-Committee will hear from the Applicant (or representative, if applicable), any other party who has made relevant representations (in that order).
9. In every case at a suitable point, Members of the Sub-Committee may ask relevant questions of each party.

10. The Sub-Committee will consider any party's request to question/cross-examine another party and will not permit cross-examination unless it is of the view that it is required in order for Members to consider the representations, application or notice as the case may be.
11. The Chair will invite any person who has addressed the Sub-Committee, or those representing them, to summarise their points if they wish.
12. The Chair will seek confirmation from all parties that they are satisfied they have made all the pertinent points which they wished to make.
13. Members of the Sub-Committee will discuss what has been said and written on the matter before them and make their decision. The Chair may request that the applicant or licence holder, other persons, representatives (if any) and any Officer present (with the exception of the Legal Officer and Corporate and Democratic Services Officer) withdraw during this process – if any further clarification or information is required from any person, all parties will be recalled.
14. The Chair will confirm the decision, the reasons for the decision, and any condition placed upon the licence (if granted).
15. The Sub-Committee's decision will be confirmed in writing by the Assistant Director (Legal and Democratic Services).

Please Note:

- All properly made applications, notices and representations received from absent parties will be considered.
- An Applicant has a right to appeal, details of which can be obtained via the Licensing Officer.
- The Authority has the right to require any person who, in its opinion, is behaving in a disruptive manner, to leave the hearing and may preclude, or impose conditions in relation to, that person's return.



## AGENDA ITEM: 5

Report for:	Licensing of Alcohol and Gambling Sub-Committee
Date of meeting:	6 February 2025
PART:	I
If Part II, reason:	-

Title of report:	<b>Premises Licence application under the Licensing Act 2003</b>
Contact:	Kim Knight, Lead Licensing Officer, Legal and Democratic Services
Purpose of report:	This report sets out details of an application in respect of premises licences or club premises certificates, which require consideration and determination by the Sub-Committee in accordance with the adopted scheme of delegation.
Recommendations	That the Sub-Committee consider the contents of the report, and representations made in respect of the application, and determine the application in accordance with the options set out below.
Corporate objectives:	<p>A clean, safe and enjoyable environment</p> <ul style="list-style-type: none"> <li>• Applications are required to be considered with regard to the promotion of four licensing objectives, comprising the prevention of crime and disorder, public safety, prevention of public nuisance, and protection of children from harm.</li> </ul> <p>Ensuring efficient, effective and modern service delivery</p> <ul style="list-style-type: none"> <li>• Consideration of applications for premises licences and club premises certificates is a statutory function, with a risk of judicial proceedings and reputational damage should the authority fail to properly exercise its functions.</li> </ul>
Implications:	Applications are to be determined under existing policies. No new policy implications arise.
Consultees:	Consultation requirements are prescribed by legislation, and differ depending upon the type of application. Details of representations made by consultees are set out below.

Background papers:	Licensing Act 2003, and associated regulations <a href="#">DBC Statement of Licensing Policy 2021-2026</a> <a href="#">Guidance to Licensing Authorities under section 182 of the Licensing Act 2003</a> (Home Office, December 2023)
Glossary of acronyms and any other abbreviations used in this report:	

## 1. Background

- 1.1. The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 1.2. The Act provides several forms of authorisation for different scenarios. Persons or organisations wishing to carry on activities at premises on a regular basis, or at larger one-off events, will require a premises licence to authorise those activities. Members' clubs, satisfying a number of statutory criteria, may alternatively hold a club premises certificate.
- 1.3. Under the scheme of delegation adopted by the Council, the Licensing of Alcohol & Gambling Sub-Committee ("the Sub-Committee") is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.

## 2. Applications

- 2.1. The application detailed in part 5 of this report has been made to the licensing authority and requires consideration and determination by the Sub-Committee.
- 2.2. Notice of application was given by the applicant in each case, through service of a copy of the application on specified 'responsible authorities' (this obligation is fulfilled by officers where the application was given electronically). The applicant was also required to give public notice of the application, by way of publication of details in a local newspaper, and by displaying a statutory notice at or near the premises. Failure to comply with these requirements would render an application invalid. Officers have undertaken checks to ensure that these requirements were satisfied.
- 2.3. The applicant and persons making representations have been given notice of the hearing in accordance with statutory requirements.

## 3. General principles to be followed when determining applications

- 3.1. When considering applications, the licensing authority is required to carry out its functions with a view promoting the licensing objectives, which are:



- the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance; and
  - the protection of children from harm.
- 3.2. The licensing authority must also have regard to its Statement of Licensing Policy, and to the statutory guidance issued by the Home Office under section 182 of the Act. Attention is drawn to specific, relevant provisions from these documents, with the details of the applications in the Appendices.
- 3.3. The Sub-Committee must ensure that all licensing decisions have a direct relationship to the promotion of one or more of the licensing objectives. Every application should be considered on its merits, and there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded. Applications must be considered with regard to the principles of fair process and the Human Rights Act.
- 3.4. The Statement of Licensing Policy makes clear to applicants and persons who have made representations the considerations that will be taken into account when determining applications. It is also intended to guide the Sub-Committee when considering licensing applications; however, the Sub-Committee may depart from either the Statement of Licensing Policy or the statutory guidance where the circumstances of the application justify it and if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.
- 3.5. The provisions of chapter 10 of the statutory guidance highlight that only precise, appropriate and proportionate conditions, which promote one or more of the licensing objectives, should be attached to the licence or certificate. The Sub-Committee should only impose such conditions as are appropriate to promote the licensing objectives arising out of the consideration of the representations received, and should avoid straying into undisputed areas. Conditions duplicating other statutory provisions are not considered to be appropriate.
- 3.6. It is considered inappropriate for officers involved in the administration of applications to make recommendations. However officers from the Responsible Authorities may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives.
- 3.7. Parties to a hearing, including the applicant and persons who made relevant representations, may have rights of appeal against any decision made by the Sub-Committee, dependent upon the nature of the decision. Appeals may be instituted by way of written notice to a Magistrates Court, within 21 days of being notified of the decision.

#### **4. Options available to the Sub-Committee**

- 4.1. When determining an application for the grant of a premises licence (under section 17 of the 2003 Act), the Sub-Committee must, having regard to relevant representations made in respect of that application, take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) grant the licence subject to any applicable mandatory conditions, and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives;
- (b) exclude from the scope of the licence any of the licensable activities to which the application relates;
- (c) refuse to specify a person in the licence as the premises supervisor;
- (d) reject the application.

## 5. Details of application

5.1. The following applications require consideration and determination by the Sub-Committee. Further details on each application are contained in the indicated appendix:

Appendix	Premises name / address	Type of application
A	Berkhamsted Golf Range, Spring Garden Lane, Berkhamsted, Hertfordshire HP4 3GY	Grant of Premises Licence (s.17 of Licensing Act 2003)

## APPENDIX A

<b>Applicants name</b>	Berkhamsted Golf Range Limited
<b>Name and address of premises</b>	Berkhamsted Golf Range Spring Garden Lane Berkhamsted Hertfordshire HP4 3GY
<b>Ward</b>	Northchurch

### 1. **Current Licence**

1.1 This is a new application.

### 2. **Application**

2.1 An application has been made for the grant of a new premises licence, which initially sought authorisation for the following licensable activities:

#### Playing of Live music (Indoors)

Monday to Sunday 12:00 to 01:30 (24 events per calendar year).  
(Golf range opening hours 07:00 to 22:00)

#### Playing of recorded music (indoors and outdoors)

Monday to Sunday 23:00 to 01:45 (24 events per calendar year)  
(Golf range opening hours 07:00 to 22:00)

#### Late Night refreshment (outdoors)

Wednesday to Sunday 23:00 to 01:00 (24 events per calendar year)  
(Golf range opening hours 07:00 to 22:00)

#### Sale by retail of alcohol – for consumption on the premises

Monday to Sunday 11:00 to 02:00 (24 events per year)  
(Golf range opening hours 07:00 to 22:00)

#### Hours premises open to the public

Monday to Sunday 07:00 to 02:00 (24 events per calendar year)  
(Golf range opening hours 07:00 to 22:00)

The original application is set out at Annex A.

A plan of the premises is set out at Annex B.

A map of the surrounding area is set out at Annex C.

### **Amendment to application**

Following discussions with Hertfordshire Constabulary the application was amended as follows:

Live Music – Removed from the application.

Recorded Music – Removed from the application.

Late Night Refreshment – Removed from the application.

Sale by Retail of alcohol – revised hours: 11:00 to 22:00.

Opening hours of the premises – revised hours 07:00 to 22:30.

Correspondence relating to this amendment is shown at Annex D.

### **3. Details of Representations**

- 3.1 A total of 13 representations were received during the consultation period from residents living in Berkhamsted and Northchurch, and a further representation was also received from Northchurch Parish Council.
- 3.2 All the representations related to the proposed activities undermining the Licensing objective for Public Nuisance.
- 3.3 Following the amendment submitted by the applicant, 5 representations, including those made by Northchurch Parish Council, were withdrawn. At the time of publication of the report the remaining 8 representations are set out at Annexes E1 to E8.

### **4. Observations**

#### **4.1 Dacorum Borough Council Statement of Licensing Policy**

##### **Licensable Activities:**

4.3. In recent years, the Government has pursued a deregulatory agenda in respect of entertainment licensing for community events and lower-impact entertainments by introducing new exemptions. As a result, many smaller-scale entertainments now fall outside of licensing requirements. Where this is the case, it should be noted that we may be unable to use our licensing powers to regulate these

events, although other regulatory schemes may be utilised to remedy any issues that arise.

## **Licensing Objectives**

5.1. Licensing authorities must carry out their functions with a view to promoting the four licensing objectives, which are:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

Each objective has equal importance.

5.2. It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means for solving all local problems. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the police, local businesses and local people towards the promotion of the licensing objectives as outlined.

5.3. The Licensing Authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable the Licensing Authority, responsible authorities and other persons who may be affected by the operation of a licensed premises to assess whether the steps which will be taken to promote the licensing objectives are sufficient to negate any potential adverse impact.

## **Public Nuisance**

5.13. The Licensing Authority will interpret the term 'public nuisance' widely, and when considering this objective will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities.

5.14. This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The Licensing Authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a

way that causes unreasonable inconvenience, upset or distress to others.

5.15. The Authority notes that, as with other licensing objectives, other regulatory regimes exist which may be used by statutory bodies to control the adverse effects of these issues, and will seek to avoid duplication with these regimes. The Environmental Protection Act 1990 in particular allows environmental health officers to require the abatement of a statutory nuisance, and would be considered the primary control for such issues. However, the Licensing Authority also notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.

5.17. Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council's Regulatory Services officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.

#### **4.2. Statutory Section 182 Guidance**

##### **Each application on its own merits**

1.17. Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

##### **Public Nuisance**

2.20 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion

of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.21 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.22 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time.

More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, [such as live music]. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.23 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in the Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

### **Steps to promote the licensing objectives**

In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and

the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

### **Determining actions that are appropriate for the promotion of the licensing objectives**

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.



## **Imposed conditions**

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

## **Proportionality**

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.

## **16. Regulated entertainment**

16.6 As a result of deregulatory changes that have amended the 2003 Act<sup>23</sup>, no licence is required for the following activities:

- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

### **Recorded music**

16.33 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:

- where the playing of recorded music takes place before 08.00 or after 23.00 on any day;
- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and

- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).

## Annex A Initial application (before amendment)

Licensing, Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, HP1 1DN

Revised April 2017



### Application for a premises licence to be granted under the Licensing Act 2003

I/We Berkhamsted Golf Range Ltd

*(insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/We are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Spring Garden Lane			
Post town	Berkhamsted	Post code	HP4 3GY
Telephone number at premises <i>(if any)</i>			
Non-domestic rateable value of premises	£ 15,750 (B - £190)		

#### Part 2 – Applicant Details

Please state whether you are applying for a premises licence as:

*Please tick ✓ as appropriate*

- a) an individual or individuals \*  *please complete section (A)*
- b) a person other than an individual \*

- i. as a limited company/limited liability partnership please  complete section (B)
- ii. as a partnership (other than limited liability) please complete  section (B)
- iii. as an unincorporated association or please complete section  (B)
- iv. other (for example a statutory corporation) please  complete section (B) c)
- a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please  complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England  please complete section (B) and Wales

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev.)
<b>Surname</b>				
<b>First names</b>				
<b>Date of birth</b>		/ /	<b>I am 18 years old or over</b>	<input type="checkbox"/> ✓ yes Please tick
<b>Nationality</b>				
<b>Current residential address if different from premises address</b>				
<b>Post town</b>		<b>Post code</b>		
<b>Daytime contact telephone number</b>				

Email address (optional)	
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)	

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev.)
Surname				
First names				
Date of birth	/ /	I am 18 years old or over	<input type="checkbox"/>	✓ yes Please tick
Nationality				
Current residential address if different from premises address				
Post town		Post code		
Daytime contact telephone number				
Email address (optional)				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)				

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	Berkhamsted Golf Range Ltd
Address	Spring Garden Lane, Berkhamsted, HP4 3GY
Registered number (where applicable)	15935704

<b>Description of applicant</b> (for example, partnership, company, unincorporated association, etc.)	Limited Company
<b>Telephone number</b> (if any)	
<b>Email address</b> (optional)	

**Part 3 – Operating Schedule**

When do you want the premises licence to start?      D D      M M      Y Y Y Y  
**ASAP PLEASE**        /   /

If you wish the licence to be valid only for a limited period      D D  
M M      Y Y Y Y when do you want it to end?        /   /

**Please give a general description of the premises** (please read guidance note 1)

Berkhamsted Golf Range (BGR) is a family-owned business that is being reopened following a long period of closure. It has new golf driving bays with updated look and feel, offering the local community a destination for golf practice. BGR will offer lessons and will work with local golf professionals and clubs to integrate into the golfing community. The applicant has invested in a café space for patrons to sit and enjoy some food and drink whilst watching other golfers. The range has a very large car park for 80+ cars which is situated on privately owned land. BGR will employ local people for both maintenance of the driving range, to work in the café and as coaches / instructors for local golfers, making it an asset to the local community.

The golf range standard opening times will be 0700 – 2200. The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.     

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Please tick ✓ all that apply

**Provision of regulated entertainment** (please read guidance note 2)

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G) anything of a similar description to that falling within (e), (f) or (g) h)
- (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**C**

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)		
Day	Start	Finish			
Mon					



Tue			<b>State any seasonal variations for indoor sporting events</b> <i>(please read guidance note 5)</i>
Wed			
Thur			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> <i>(please read guidance note 6)</i>
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings <i>(please read guidance note 7)</i>			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick ✓</b> <i>(please read guidance note 3)</i>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> <i>(please read guidance note 4)</i>		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> <i>(please read guidance note 5)</i>		
Thur					

Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)</b>
Sat			
Sun			

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1200	0130	<b>Please give further details here (please read guidance note 4)</b> The golf range standard opening times will be 0700 – 2200. The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.	Both	<input type="checkbox"/>
	Tue	1200		0130	
Wed		1200		0130	<b>State any seasonal variations for the performance of live music (please read guidance note 5)</b>
	Thur	1200		0130	
Fri		1200		0130	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)</b>
	Sat	1200		0130	
Sun		1200	0130		

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	2300	0145	<b>Please give further details here (please read guidance note 4)</b>  The golf range standard opening times will be 0700 – 2200.		
Tue	2300	0145	The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.		
Wed	2300	0145	<b>State any seasonal variations for the playing of recorded music (please read guidance note 5)</b>		
Thur	2300	0145			
Fri	2300	0145	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)</b>		
Sat	2300	0145			
Sun	2300	0145			

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here (please read guidance note 4)</b>		

Tue			
Wed			State any seasonal variations for the performance of dance <i>(please read guidance note 5)</i>
Thur			
Fri			
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list <i>(please read guidance note 6)</i>
Sun			

## H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings <i>(please read guidance note 7)</i>			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick ✓ <i>(please read guidance note 3)</i>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here <i>(please read guidance note 4)</i>		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) <i>(please read guidance note 5)</i>		
Thur					

Fri			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)</b>
Sat			
Sun			

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick ✓ (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon			<b>Please give further details here (please read guidance note 4)</b>  The golf range standard opening times will be 0700 – 2200.  The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.	Both	<input type="checkbox"/>
	Tue				
Wed		2300		0100	<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 5)</b>
	Thur	2300		0100	
Fri		2300		0100	
	Sat	2300		0100	
Sun		2300	0100		

**J**

<b>Supply of alcohol</b> Standard days and timings <i>(please read guidance note 7)</i>			<b>Will the supply of alcohol be for consumption:</b> <b>(Please tick box ✓)</b> <i>(please read guidance note 8)</i>	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> <i>(please read guidance note 5)</i>		
Mon	1100	0200	<p>The golf range standard opening times will be 0700 – 2200.</p> <p>The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.</p> <p><b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> <i>(please read guidance note 6)</i></p>		
Tue	1100	0200			
Wed	1100	0200			
Thur	1100	0200			
Fri	1100	0200			
Sat	1100	0200			
Sun	1100	0200			

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor:**

*(Please see declaration about the entitlement to work in the checklist at the end of the form)*

<b>Name</b>	Ryan Smith
<b>Date of birth</b>	12 / 06 / 1987
<b>Address</b>	21 Grove Road, Tring, Hertfordshire
<b>Postcode</b>	HP23 5HA
<b>Personal Licence number</b> <i>(if known)</i>	To be issued on completion of training and added to licence

<b>Issuing licensing authority</b> <i>(if known)</i>	Dacorum Borough Council
---	-------------------------

**K**

<b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> <i>(please read guidance note 9)</i>
N/A

**L**

<b>Hours premises are open to the public</b> Standard days and timings <i>(please read guidance note 7)</i>	<b>State any seasonal variations</b> <i>(please read guidance note 5)</i>																					
<table border="1" style="width: 100%;"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>0700</td> <td>0200</td> </tr> <tr> <td>Tue</td> <td>0700</td> <td>0200</td> </tr> <tr> <td>Wed</td> <td>0700</td> <td>0200</td> </tr> <tr> <td>Thur</td> <td>0700</td> <td>0200</td> </tr> <tr> <td>Fri</td> <td>0700</td> <td>0200</td> </tr> <tr> <td>Sat</td> <td>0700</td> <td>0200</td> </tr> </tbody> </table>	Day	Start	Finish	Mon	0700	0200	Tue	0700	0200	Wed	0700	0200	Thur	0700	0200	Fri	0700	0200	Sat	0700	0200	<p>The golf range standard opening times will be 0700 – 2200.</p> <p>The applicant would also like to offer the driving range for special events such as New Years Eve, and private hire for family celebrations, birthdays and wedding receptions. The timings for these events will be 1200 – 0200. The special events will take place at the driving range, in the café space or in a temporary event structure where the café is not big enough, as denoted on the floorplan. There will be a maximum of 24 such events per calendar year.</p> <p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> <i>(please read guidance note 6)</i></p>
Day	Start	Finish																				
Mon	0700	0200																				
Tue	0700	0200																				
Wed	0700	0200																				
Thur	0700	0200																				
Fri	0700	0200																				
Sat	0700	0200																				

Sun	0700	0200

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)**

As the applicant, I will ensure that I fully uphold all of the four licensing objectives, at all times. I have take into consideration (1) Statement of Licensing Policy (2) Section 182 Guidance.

I believe I have submitted a robust operating schedule for this operation, demonstrating a commitment to due diligence in all areas of the day-to-day management of the premises.

Policies and procedures are being fully implemented for the safe and efficient running of the premises, including:

- Staff training and operations manual
- Refusals log
- Challenge 25
- Signage – consideration to neighbours
- DPS Authorisations

**b) The prevention of crime and disorder**

CCTV will be operated, and fully maintained at all times the premises is open for licensable activities. Images will be retained for at least 28 days and will be produced on request by any Responsible Authority.

Warning notices will be displayed in public areas of the premises advising that CCTV is in operation, in accordance with GDPR.

A refusals log will be maintained at all times and will be checked and signed off by the DPS at regular intervals. This will be made available for inspection by any Responsible Authority, upon request.

The refusals log shall contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason the sale was refused and the name/signature of the sales person refusing the sale.

**c) Public safety**



The premises licence holder, DPS or staff member on duty will carry out pre-opening checks of the premises to ensure that there are no risks to patrons and that all safety precautions are in place.

The licence holder will ensure that all staff receive appropriate staff training.

The licence holder would ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

#### **d) The prevention of public nuisance**

As the Premises Licence Holder, I will ensure that disturbance caused to the general public is kept to a minimum, and signage will be situated in prominent places asking customers to respect our neighbours.

The premises staff will ensure that the frontage of the premises is checked regularly for litter and rubbish, clearing any debris away.

No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 2300hours and 0800hours.

#### **e) The protection of children from harm**

"Challenge 25":

The Licensee shall adopt a "Challenge 25" policy, where all customers who appear to be under the age of 25 and attempt to purchase alcohol or other age-restricted products, shall be asked for proof of their age.

The Licensee shall prominently display notices advising customers of the "Challenge 25" Policy in both the café area and within the driving range bays.

The following proofs of age are the only ones to be accepted:

- Proof of age cards bearing the "Pass" hologram symbol
- UK Photo Driving licence
- Passport
- Military ID card

A refusals log will be maintained at all times and will be checked and signed off by the DPS at regular intervals. These will be made available for inspection by any Responsible Authority, upon request.

A till prompt system shall be installed to assist staff by reminding them to challenge for ID when a sale is made.

Please tick ✓ to indicate agreement


- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- *[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships]* I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service *(please read note 15)*.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** *(please read guidance note 11)*

**Signature of applicant or applicant’s solicitor or other duly authorised agent** *(See guidance note 12)*. If signing on behalf of the applicant please state in what capacity.

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• <i>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]</i> I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK <i>(please read guidance note 15)</i>.</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work <i>(please see note 15)</i>.</li> </ul>
Signature	

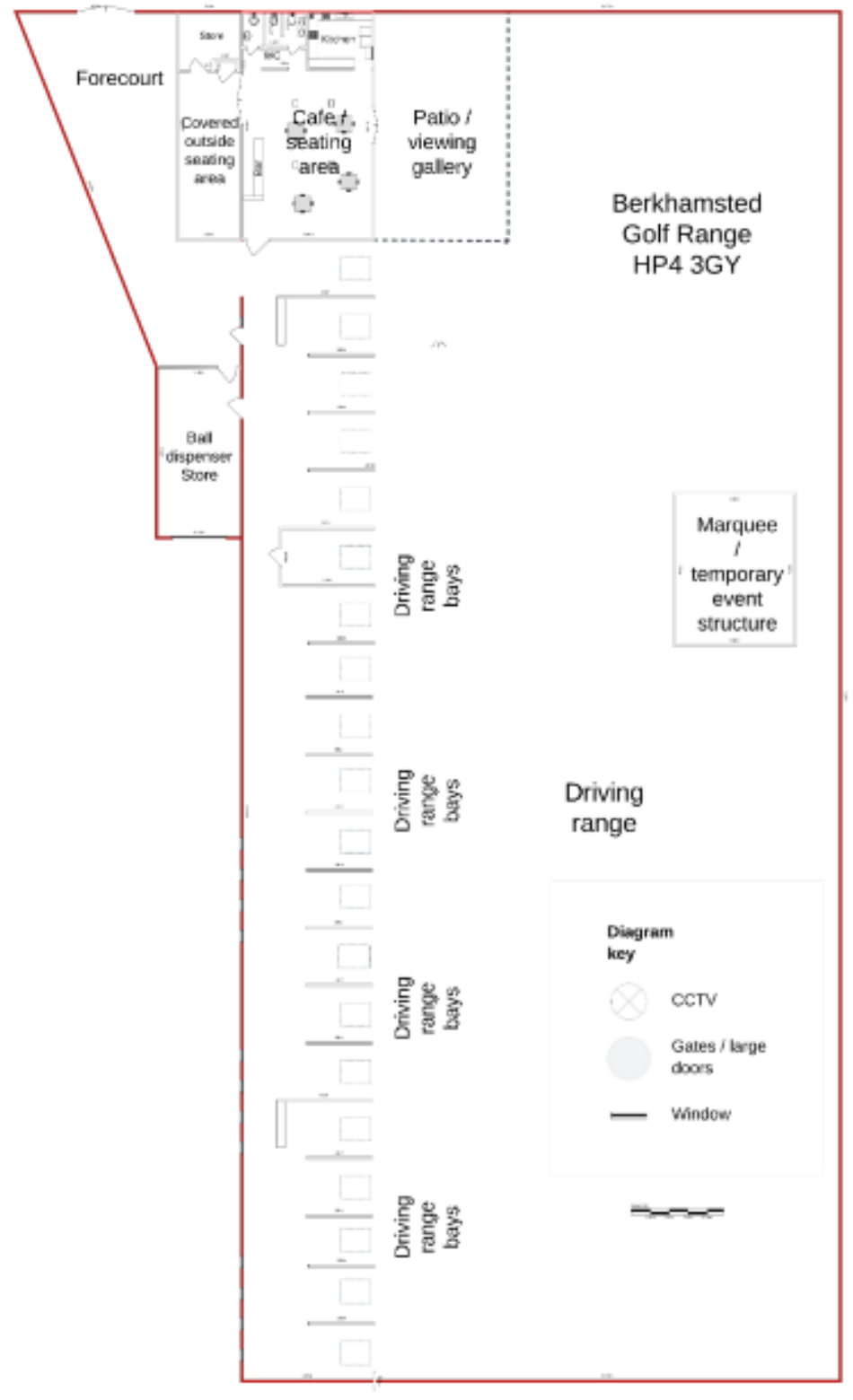
Date	12/12/2024
Capacity	Agent for the applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant please state in what capacity.**

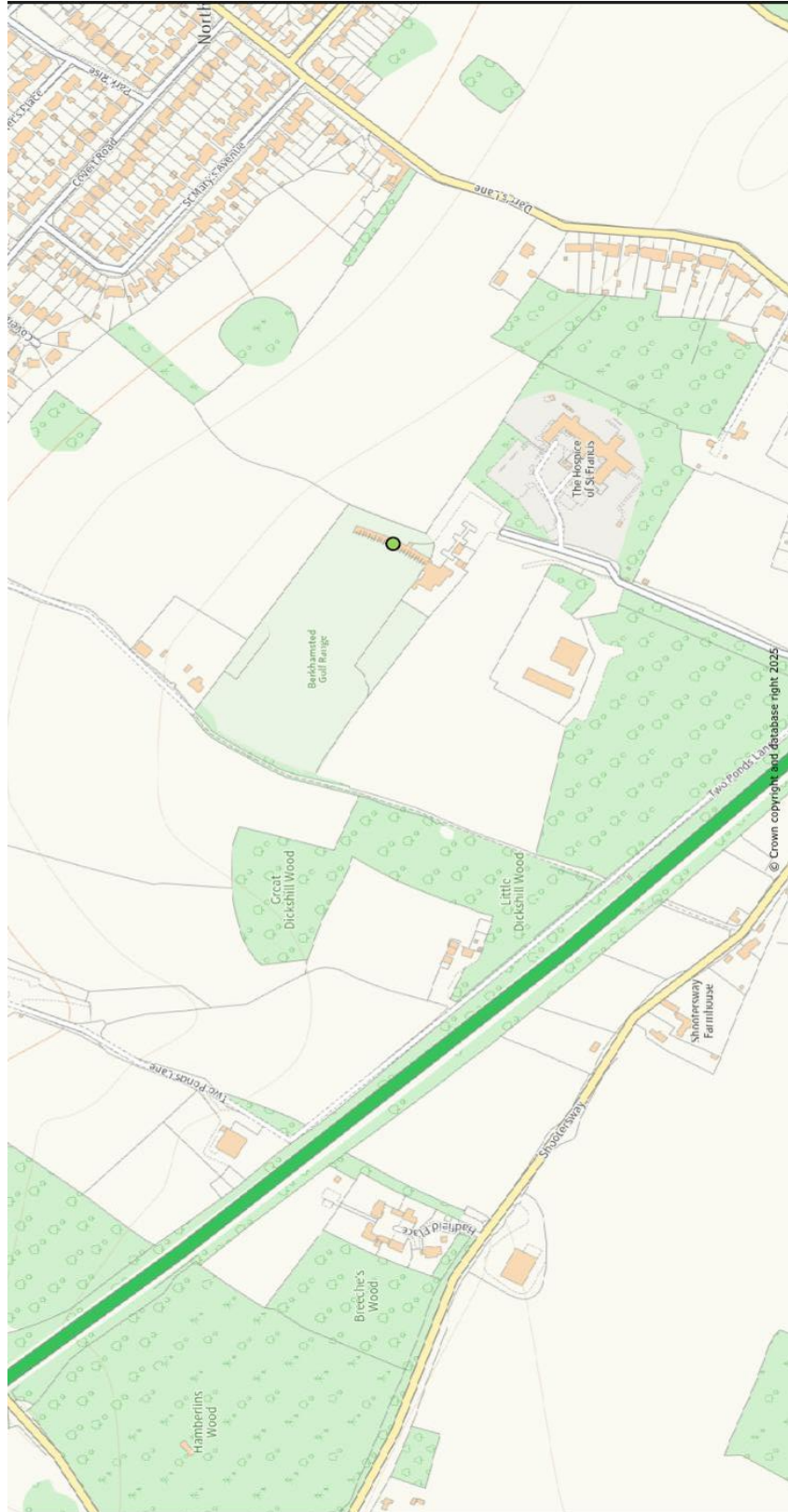
Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application. (please read guidance note 14)</b>			
Simon Voysey Alcohol licensing consultant Licence Leader Ltd			
<b>Post town</b>		<b>Postcode</b>	
<b>Telephone number (if any)</b>	07540 415664		
<b>If you would prefer us to correspond with you by email your email address (optional)</b>			
Simon@licence-leader.co.uk			

**Annex B**  
**Plan of premises**



**Annex C**  
**Map of surrounding area**



**ANNEX D**

**AMENDMENT TO APPLICATION PROPOSED BY APPLICANT  
FOLLOWING DISCUSSIONS WITH THE POLICE**

On Mon, 13 Jan 2025 at 14:21, FREEMAN, Hayley 7266  
<[Hayley.Freeman@herts.police.uk](mailto:Hayley.Freeman@herts.police.uk)> wrote:

Good afternoon,

Thank you for meeting with myself and Chris today.

As per our conversation, we would recommend the supply of alcohol to finish at either 2130 or 2200hrs and the hours premises are open to the public to be either 2200hrs or 2230hrs depending when you wish to close. This allows for a 30 mins drinking up time. I would add the non-standard timings for bank holidays and Christmas etc separately. I have added the wording from one of my premises to give you an idea. For any other event you can submit a Temporary Event Notice (TEN) which will then supersede the licence timings. We would object to anything past 0100hrs in keeping with all other licenced premises in Dacorum.

Wendy, could you assist with how we go about this? As this was part of the consultation, could we just amend the timings on the application without having to submit anything new?

Kindest Regards

Hayley

**Senior Licensing Officer**

**Rickmansworth Police Station**

**Email: [Hayley.Freeman@herts.police.uk](mailto:Hayley.Freeman@herts.police.uk)**



**This information has been exchanged in accordance with the information sharing protocol and has been shared under section 115 Crime and Disorder ACT 1998 in prevention of crime and disorder purposes only. This information must not be disclosed nor shared with any other party than the recipient unless permission has been granted by the author.**

**From:** Simon Voysey <[simon@licence-leader.co.uk](mailto:simon@licence-leader.co.uk)>

**Sent:** 13 January 2025 15:53

**To:** Sally Mcdonald <[Sally.Mcdonald@dacorum.gov.uk](mailto:Sally.Mcdonald@dacorum.gov.uk)>

**Subject:** Re: FW: FW: [M060130] Licensing Act 2003 – LA2003 s.17: Premises licence - New licence application – Berkhamsted Golf Range

Hi Sally

I was just replying to your other email but will tag that in here.

Happy for you to share the amendment. It seems that the reps are centred around the later hours and the events, which have now been removed from the application.

So yes to removing LNR, stop alcohol at 10pm (which would mean a 1030 close).

We'll remove live and recorded music altogether (recorded music will be possible until 11pm anyway).

All events that are outside of these hours will be dealt with with a TEN.

Police have said the latest they will accept for a TEN would be 1am.

I hope this goes some way to allaying the fears of local residents.

The Police are on board and happy for us to proceed on this basis, so we'd like to avoid a hearing if at all possible.

Happy to speak by phone if that's easier.

Kindest  
Simon

**ANNEX E  
REPRESENTATIONS**

**ANNEX E1**

**From:**  
**Sent:** 06 January 2025 11:05  
**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>  
**Subject:** Application Ref : M060130 - Application Type LA2003 s.17: Premises licence - New licence application

Dear Sir/Madam

Whilst we have no objections to the golf range being reopened with a licenced bar we do object to granting of a late licence to consume alcohol to 2am. We feel this would lead to increased noise and light pollution affecting the Hospice.

Will the building be sound-proofed and would this be for indoor events only? Would events that could not take place inside be moved to an outside marquee, if this were the case this would be awful for patients to be able to hear music but also singing, shouting, potential rabble noise of people under the influence etc.

In this open space where the Hospice and Golf range is situated the noise from music and crowds will travel. Also New Years eve events will this mean Fireworks?

You then have the actions of people under the influence of alcohol wandering through the Hospice grounds causing disruption and triggering the intruder alarms. The potential distress to end of life patients, relatives and staff would be unacceptable. The Hospice would need to look at security gates to stop this happening and suggest this cost should be born by the applicant.

The increased late night traffic on what is a poorly maintained and unlit access road will increase the risk of accidents.

If this was just the Golf Range then I would say great but it's the events and the 2am licence that has been applied for that worries me.

***Estates Manager, (Hospice of St Francis)***

**Tel: 01442 869550 Ext 212**

*Working Hours: Monday to Friday 7am-12:30pm*

Registered Charity No. 280825



## ANNEX E2

From:  
Sent: 08 January 2025 11:08  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: Application M060130 neighbour response

To whom it may concern,

I am writing in response to the above application at Berkhamsted Golf Range.

As a neighbour, living on \*\*\*\*\*, we are concerned about noise nuisance that could be caused by this late licence.

Noise travels incredibly easily in the valley of Northchurch and it is a quiet residential area. It's worth noting that we clearly hear the moto x activity which is quite far the other side of the driving range to us. We hear outdoor music from fields on the other side of the valley and last summer a wedding was held in a private garden on the edge of Ashridge which disturbed us late into the night.

My concern is the plans to hold events in a temporary structure (I'm assuming a marquee) which obviously will do nothing to prevent any music or live entertainment noise from travelling.

I support the reopening of the facility which will be great for the community and holding events but I think allowing this until 2am, essentially outdoors, will cause a nuisance to the community. I think after 10am people should be drinking indoors so neighbours are not disturbed.

It's also worth noting the proximity to the hospice, a fabulous, peaceful, local resource. I do think that a late licence, for essentially outdoor events, is a little distasteful and inappropriate next to the hospice. I think it's incredibly important to preserve the peaceful environment for patients, especially late into the night.

I would also like to add my disappointment on the lack of consultation with this. My neighbours and I have only become aware of this from spotting a notice in the Pea Lane area whilst walking. If we hadn't spotted this we would not have known this was a possibility. I don't think public consultation has been sought widely enough.

Regards,

## ANNEX E3

**From:**

**Sent:** 08 January 2025 15:13

**To:** Licensing Mailbox <Licensing@dacorum.gov.uk>

**Subject:** New Licence application M060130 Berkhamsted Golf Range

I am writing on behalf of Berkhamsted Citizens Association formed 100 years ago as the Civic Society representing the residents of Northchurch and Berkhamsted. We have some 500 members.

We wish to object to the proposed extended hours which would generate a great deal of noise and generate extra traffic in the very narrow access in Spring Garden Lane. Our major concern is that Hospice of St Francis shares the access road and is also very close to the golf range. The Hospice is a specialist palliative care unit. We understand the owners desire to generate extra income but it is entirely the wrong location.

The application should be refused.

Chairman Townscape Group Berkhamsted Citizens Association

**From:**  
**Sent:** 14 January 2025 16:26  
**To:** Sally Mcdonald <Sally.Mcdonald@dacorum.gov.uk>  
**Cc:**  
**Subject:** MO60130 LA2003 s.17: Premises Licence - New licence application

Dear Sally

I hope this email finds you well?

I am writing on behalf of the Hospice of St Francis in Spring Garden Lane and the late night licensing request from the Golf range.

As you can imagine upon receiving this application we were alarmed and worried about noise pollution, not only late night/early morning music but the noise that would come from revellers and how this would affect us at the Hospice.

Our patients are our first concern and with music, singing, conversations from a venue where the sound will travel. Our patients are end of life patients and this would not be acceptable.

I am also concern about revellers wandering through the Hospice at the early hours of the morning which again is not acceptable to patients, families and staff.

The increased late night traffic on what is a poorly maintained and unlit access road will increase the risk of accidents.

I believe the Hertfordshire police have also opposed the late night licence and the events which is great news for us but it also states that The Golf range could apply for a Temporary Events Notice – what does this mean? Does this mean that they could hold a late night event with music and a late bar if this was approved?

Would the surrounding neighbours be advised of the “TENS” application?

We would not want this at all, again it would refer back to the noise pollution and the care of our end of life patients.

Whilst we have no problem with this business running as a Golfing range with kids parties etc during the day and early evening till 10.30pm we certainly do not want to agree to anything that may leave a loophole for the above concerns like a “TENS” Temporary Events notice.

If you could please keep us posted with any further updates it would be very much appreciated.

**Best wishes,**

**Cashier, Finance Admin and Estates Admin**  
**Telephone 01442 869 550**

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**Education**

The Hospice of St Francis, Spring Garden Lane, Off Shootersway, Berkhamsted, HP4 3GW

Tel: 01442 869550

Registered Charity No. 280825



## ANNEX E5

**From:**  
**Sent:** 14 January 2025 17:40  
**To:** Licensing Mailbox <[Licensing@dacorum.gov.uk](mailto:Licensing@dacorum.gov.uk)>  
**Subject:** I wish to object to the granting of a license

Regarding:

Berkhamsted Golf Range Spring Garden Lane Northchurch Berkhamsted  
Hertfordshire HP4

I wish to object about every element of an alcohol or premises or entertainment license for this premises. The reasons for my objection are:

This premises is right next to the Hospice of St Francis and any application to:  
Have events  
Serve alcohol  
Play music  
Should be refused due to this location being next to the hospice

This premises is in a wooded and residential area and for this reason, none of the above activities should be permitted.

This premises is on an already reasonably busy road, with deer, foxes, badgers, many birds and cats around and any further traffic to this premises due to the granting of this license will have an impact on all of this wildlife.

This premises is very, very close to ancient woodland and hedges and no further traffic to this premises should be permitted due to the impact upon this very old flora and fauna.

I do not believe any other business in Berkhamsted has events until 2am and to grant a license to this business to have events, music and alcohol until this time would be absolutely dreadful, and would set a most dreadful precedent

There are already problems with traffic and pollution in Northchurch and we must not create any more

No resident of Northchurch wants to hear music from this site and I am sure the hospice will feel the same.

I cannot understand why a license for alcohol and events would even be considered for this site!!!

From:  
Sent: 14 January 2025 22:44  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: Application ref. no: M060130

Dear Sirs / Madam

I am writing to you in reference to the application detailed in the title and at the base of this email.

I would request that my concerns are noted as follows:

- with insufficient buildings for such events the noise from music is unlikely to be contained and the noise pollution is likely to be amplified by the geography of being based on a valley. The noise pollution will therefore be excessive.
- the only way to access the events site is via car. Events will cause significant additional traffic in already congested and pot-hole ridden roads. This will accelerate road surface decay and increasing exhaust pollution. Very bad!
- the late night license to 2am seems excessive given the village pub closes at 11. The noise pollution until 2 am will undoubtedly be an issue for local residence
- the number of weekends also seems excessive as this equates to almost one event every other week across the year which could well manifest as every weekend over the summer which would quite simply be unbearable for local residence.

I hope that these important considerations are taken into account and the proposal is reconsidered.

Best

**From:**  
**Sent:** 14 January 2025 23:22  
**To:** Licensing Mailbox <[Licensing@dacorum.gov.uk](mailto:Licensing@dacorum.gov.uk)>  
**Cc:**  
**Subject:** Objection to application ref. no: M060130

Application ref. no: M060130  
Application type: LA2003 s.17: Premises licence - New licence application  
Date received: 18 December 2024  
Premises name: Berkhamsted Golf Range  
Premises address: Spring Garden Lane, Northchurch, Berkhamsted, Hertfordshire,  
HP4 3GY

I'm writing to make a representation regarding the above licence application on the grounds of public nuisance.

Granting this licence would allow the owner to host parties and weddings in temporary structures at the premises, e.g. marquees with limited sound-proofing. My concern is that while the premises appear to be fairly isolated, the noise generated will be easily heard from my house and my neighbours' houses in the valley below where the streets back onto the fields adjacent to the premises. Noise will easily travel the 300 metres or so to my house and significantly interfere with my enjoyment of my property for long periods of time.

This is backed up by scientific evidence:

- A typical sound system for a wedding or party plays at approximately 100dB. The distance from the premises address to the nearest houses is approximately 200 metres and to my property is approximately 300-400m.
- The doubling rule proposes that 100dB would be heard at around 50dB over a 300-400 metre distance across mostly clear open fields and calm conditions.

That's a significant increase on the average background noise I experience currently in my quiet, leafy garden, which is typically 35dB. Noise playing through the night until 2am would be highly disruptive for me and my young daughter, especially on a summer evening or night when the windows tend to be open.

I know the sound will be heard as I can already hear the noise of the motorbikes at Chiltern Young Riders Motocross which is in a similar vicinity but almost twice as far away from me as Berkhamsted Golf Range. Thankfully the Motocross is open infrequently and only during the day.

The licence application has requested up to 24 of these events per year. So assuming most would be held in fine weather between late Spring and early Autumn, that could equate to approximately one per week during the warmer months.

Please do not grant this licence as it will disrupt an entire community across St Mary's Ave, Covert Road, The Limit Park (retirement park), not to mention the residents at the Hospice just a few yards away who are mostly there for some peaceful end of life care.

Regards



## ANNEX E8

From:  
Sent: 15 January 2025 13:29  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: Objection to application M060130

Good afternoon

I wish to register my objection to the license application for the Berkhamsted Golf Range in Spring Gardens.

The golf range is situated extremely close to residential properties in the surrounding area and noise travels very clearly across the valley and the immediate vicinity.

I live in \*\*\*\*\* and can routinely hear the traffic from the A41 and the motorbikes from the motocross centre, both of which are much further away. Depending on the weather and cloud cover, the noise can reverberate across and down the valley and can be extremely loud and antisocial.

The golf range has operated before during the day without having any functions/parties and this has not been a problem.

I object to a music license for outdoor events and indoor entertainment and one-off events as the noise will cause a regular public nuisance for many surrounding properties on a regular basis.

I also believe that the isolated nature of the location will attract underage drinking and illegal behaviour such as the selling of drugs etc and would not easily be policed.

This application is clearly trying to change the nature of the facility from a driving range to a nightclub and given its proximity to a hospice where families will be saying goodbye to loved ones, it is entirely inappropriate and in bad taste.

Yours sincerely